R E M A R K S

Claims 1-7 currently are pending in the above-captioned patent application and are subject to examination. Reconsideration of the above-captioned patent application is respectfully requested in view of the following remarks.

In the Office Action mailed May 20, 2004, the Examiner rejected claims 1-7 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by U.S. Patent No. 6,594,505 B1 to Ishii in view of U.S. Patent No. 6,731,957 B1 to Shamoto *et al.* ("Shamoto").

In order for the Examiner to establish a prima facie case for obviousness, three (3) criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as the Examiner proposes. Second, there must be a reasonable expectation of success in connection with the Examiner's proposed combination of the references. And third, the prior art references must disclose or suggest all of the claim limitations. MPEP 2143. Applicant submits that the Examiner fails to satisfy his burden of establishing a prima facie case for obviousness because the Examiner fails to show that the combination of Ishii and Shamoto discloses or suggests all of the claimed limitations of claims 1-7.

Specifically, Applicant's independent claim 1 describes a portable telephone apparatus which comprises "judging means for judging whether a received message **has a *common format* in the two systems or a different format in the two systems**; [a] first processing means for processing the received message by

performing a procedure common to the two systems **when the message has a common format**; and [a] second processing means for processing the received message by performing procedures, each procedure unique to each of the two systems, when the message has the different format." As such, the first processing means processes the received message *when the format of the message is common to both of the portable telephone systems*, and the second processing means processes the received message when the format of the message is unique to one of the portable telephone systems.

For example, as set forth in each of Applicant's independent claims 6 and 7, the first processing means may have stored therein the *program code which is common* **to both portable telephone systems**, e.g., the program code that is common to or shared by the protocols associated with each of the portable telephone systems. Similarly, as set forth in each of Applicant's independent claims 6 and 7, the second processing means may have stored therein the program code that is unique to the first portable telephone system and the program code that is unique to the second portable telephone system. As such, in Applicant's claimed invention, the second processing means may store program code that is unique to a first protocol used by the first portable telephone system, and program code that is unique to a second protocol used by the second portable telephone system. Moreover, the first processing means may store program code that is common to or is shared by both the first protocol and the second protocol, e.g., to reduce the amount of storage space required to store both the program

code associated with the first system and the program code associated with the second system.

Applicant submits that neither Ishii nor Shamoto discloses or suggests judging whether the format of the received message is common to the two systems because **both Ishii and Shamoto merely describe systems which (1) receive a message, (2) determine the protocol associated with such message, and (3) apply the protocol associated with such message**.

Specifically, Ishii discloses a mobile telephone system which includes "a first base station corresponding to a first mobile radio telephone system, a second base station corresponding to a second mobile radio telephone system, and a mobile radio telephone." Ishii, Column 3, Line 67; and Column 4, Lines 1-4. In operation, "as the mobile radio telephone . . . moves inside the communication area of the [first] base station . . . power is supplied to the mobile radio telephone." *Id.* at Column 4, Lines 42-47. "Then, as [a] predetermined initial data communication protocol starts a transmission from the first base station, the mobile radio telephone responds . . . and receives a first mobile radio telephone system flag from the first base station." *Id.* at Lines 50-55. "Then, the first mobile radio telephone system flag is compared with the existing mobile radio telephone system flag, which previously [was] used [by the mobile radio telephone], to see whether the two flags coincide with each other." *Id.* at Lines 56-59. "If the first mobile radio telephone system flag coincides with the already existing mobile radio telephone system flag, the existing mobile radio telephone communication protocol software which [was] used in the previous communication is used by the mobile radio

telephone." *Id.* at Lines 60-65. "On the other hand, if the first mobile radio telephone system flag does not coincide with the already existing mobile radio telephone system flag, the first mobile radio telephone communication protocol software used by the first base station [is] downloaded according to the initial data communication protocol." *Id.* at Column 5, Lines 1-6. "After the downloading of the first mobile radio telephone communication protocol software is completed, the . . . system flag of the mobile radio telephone is updated, and the first mobile radio telephone system flag and the existing radio telephone system flag are arranged to coincide with each other." *Id.* at Lines 7-14. A similar operation occurs when the mobile radio telephone moves inside the communication area of the second base station. See, e.g., *Id.* at Lines 31-67.

As such, in Ishii's mobile telephone system, **either** the program code for the first mobile radio telephone system or the program code for the second mobile radio telephone system is stored within the mobile radio telephone. See, e.g., Ishii, Column 5, Lines 1-14. Specifically, when the program code which currently is stored within the mobile radio telephone does not coincide with the program code used by the current mobile radio telephone system, the mobile radio telephone **has to download the appropriate program code and replace the original program code with the downloaded program code**. As such, in Ishii, only the program code associated with a single protocol is stored in the telephone system at any given time. Consequently, Ishii does not judge whether the format of a received message is **common** to both the first mobile radio telephone system and the second mobile radio telephone system.
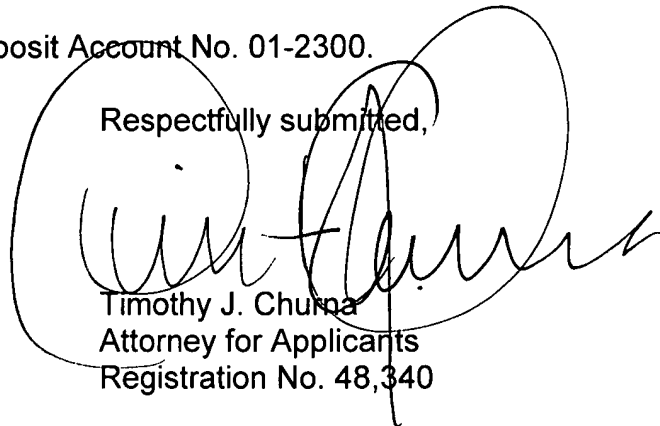
The Examiner alleges that Shamoto discloses or suggests those claim limitations that are missing from Ishii. However, in contrast to the Examiner's assertions, Shamoto merely describes a cellular phone that is compatible with both a personal digital cellular ("PDC") type communication system and a personal handy phone system ("PHS") type communication system. See, e.g., Shamoto, Column 2, Lines 41-45. Specifically, the cellular phone includes a PDC wireless unit 4 and a PHS wireless unit 7. The PDC wireless unit 4 is configured to process signals in the 1.5 GHz frequency band which complies with the PDC system communication protocol, and the PHS wireless unit is configured to process signals in the 1.9 GHz frequency band which complies with the PHS system protocol. See, e.g., Shamoto, Column 3, Lines 26-35. As such, the system described in Shamoto applies either PDC system communication protocol or the PHS system communication protocol based on the frequency of the received signal. However, Shamoto does not judge whether the format of the received signal is **common** to both the PDC system communication protocol and the PHS system communication protocol. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 1, 6, and 7.

Claims 2-5 depend from allowable independent claim 1. Therefore, Applicant respectfully requests that the Examiner also withdraw the rejection of claims 2-5.

CONCLUSION

Applicant respectfully submits that the above-captioned patent application is in condition for allowance, and such action is earnestly solicited. If the Examiner believes that an in-person or telephonic interview with Applicant's representatives would expedite the prosecution of the above-captioned patent application, the Examiner is invited to contact the undersigned attorney of records. Applicant believes that no fees are due as a result of this submission. Nevertheless, in the event of any variance between the fees determined by Applicants and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,

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